

**IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD**

(Special Original Jurisdiction)

WEDNESDAY, THE SIXTEENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 1762 of 2005

Between:

M.M.M.Subhani, E-400666, Conductor,

S/o.Khasim, Hindupur Depot,

R/o.Hindupur, Ananthapur District.

..... PETITIONER

AND

1 The APSRTC.,

rep., by its Regional Manager,

Ananthapur Region, Ananthapur.

2 The APSRTC

rep., by its Depot Manager,

Hindupur, Ananthapur Dist.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court be pleased to issue an order or direction more particularly one in the nature of writ of Mandamus declaring the action of the respondents herein in not granting the selection grade scale stagnation increment to the petitioner on completion of 12 years service is illegal, unjust and arbitrary, contrary to well established principles of law and as such set aside the same by directing the respondents herein to add the stagnation increment to the petitioner on completion of 12 years of service irrespective of his

transfer from the date of initial appointment and to pay the arrears by refixing the pay of the petitioner forthwith.

Counsel for the Petitioner: Mr.S.M.SUBHAN

Counsel for the Respondents: Mr. P.VINAYAKA SWAMY

The Court made the following :

ORDER:

The Petitioner is working as a driver in the respondent-A.P.S.R.T.Corporation. He is claiming that he has been working since more than 12 years under the respondent-corporation. The petitioner contends that as per the circular of the corporation No.PD113/1989, dated 03-06-1989, the employees of the Corporation who have completed 12 years of service are entitled

to get stagnation increments. A similar question came up for consideration before this Court in W.A.No.1301 of 2001 preferred against the order in W.P.No.5726 of 2000, wherein the Division Bench of this Court held that the employees who have completed more than 12 years of service are entitled for stagnation increments and accordingly, directed the Corporation to consider the cases of the writ petitioners therein for release of the stagnation increments.

2. In the light of the contention of the petitioner that he has completed 12 years of service and in the light of the judgment of the Division Bench of this Court in W.A.No.1301 of 2001, dated 29-10-2002 the respondents are directed to consider the representation of the petitioner regarding the release of stagnation increment and pass appropriate orders after satisfying that the petitioner has completed 12 years of service in the same category.

3. Accordingly, the Writ Petition is disposed of. No order as to costs.

(K.C.BHANU,J)

16th February, 2005.

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To

1 The Regional Manager,
APSRTC.,
Ananthapur Region,
Ananthapur.

2 The Depot Manager,
APSRTC
Hindupur, Ananthapur Dist.

3 Two CD copies